

Introduced by Senator Maldonado

February 22, 2005

An act to amend Section 197 of the Penal Code, relating to homicide.

LEGISLATIVE COUNSEL'S DIGEST

SB 936, as amended, Maldonado. Homicide.

Existing law defines justifiable homicide.

This bill would include within that definition, a homicide when committed ~~by a security officer of a commercial to prevent an act of radiological sabotage or theft of special nuclear material at a nuclear power plant or nuclear spent fuel storage facility licensed by the United States Nuclear Regulatory Commission, while in the performance of his or her duties, when there is reasonable fear of imminent peril of death or great bodily injury to self or another, or when committed to prevent an act of sabotage when there is reasonable belief that the act could result in a radiologic release.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 197 of the Penal Code is amended to
- 2 read:
- 3 197. Homicide is also justifiable when committed by any
- 4 person in any of the following cases:
- 5 1. When resisting any attempt to murder any person, or to
- 6 commit a felony, or to do some great bodily injury upon any
- 7 person; or,

1 2. When committed in defense of habitation, property, or
2 person, against one who manifestly intends or endeavors, by
3 violence or surprise, to commit a felony, or against one who
4 manifestly intends and endeavors, in a violent, riotous or
5 tumultuous manner, to enter the habitation of another for the
6 purpose of offering violence to any person therein; or,

7 3. When committed in the lawful defense of ~~such~~ *that* person,
8 or of a wife or husband, parent, child, master, mistress, or servant
9 of ~~such~~ *that* person, when there is reasonable ground to
10 apprehend a design to commit a felony or to do some great
11 bodily injury, and imminent danger of ~~such~~ *that* design being
12 accomplished; but ~~such~~ *that* person, or the person in whose
13 behalf the defense was made, if he *or she* was the assailant or
14 engaged in mutual combat, must really and in good faith have
15 endeavored to decline any further struggle before the homicide
16 was committed; or,

17 4. When necessarily committed in attempting, by lawful ways
18 and means, to apprehend any person for any felony committed,
19 or in lawfully suppressing any riot, or in lawfully keeping and
20 preserving the peace.

21 5. When committed ~~by a security officer of a commercial~~
22 ~~nuclear power plant licensed by the United States Nuclear~~
23 ~~Regulatory Commission, while in the performance of his or her~~
24 ~~duties, when there is reasonable fear of imminent peril of death~~
25 ~~or great bodily injury to self or another, or when committed to~~
26 ~~prevent an act of sabotage when there is reasonable belief that the~~
27 ~~act could result in a radiologic release.~~ *to prevent an act of*
28 *radiological sabotage or theft of special nuclear material at a*
29 *nuclear power plant or nuclear spent fuel facility licensed by the*
30 *United States Nuclear Regulatory Commission.*